

Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

(1) FEDERAL ADVISORY COMMITTEE NAME

State the legal name of the FAC

MANUFACTURED HOUSING CONSENSUS COMMITTEE

(2) AUTHORITY

Identify the authority for establishing the FAC

National Manufactured Housing Construction and Safety Standards Act of 1974 (Act), as amended.
42 USC 5403(a)(3)(A)

(3) MISSION/FUNCTION

Describe the mission/function of the FAC

- (1) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with the Act;
 - (2) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with the Act;
 - (3) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and
 - (4) be deemed to be an advisory committee not composed of Federal employees
- Act), 42 USC 5403(a)(3)(A)(i-iv).

(4) POINTS OF VIEW

Based on understanding the purpose of the FAC,

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;
- (b) consider identifying an anticipated relative distribution of candidates across the categories; and
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members

The Act describes the process to ensure committee balance, the categories, the distribution across categories and the process for appointment of members.

(a) Membership the consensus committee shall be composed of -

- (i) twenty-one voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and
- (ii) one nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

(b) Selection procedures and requirements

Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

- (i) Producers. Seven producers or retailers of manufactured housing.
- (ii) Users. Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.
- (iii) General interest and public officials. Seven general interest and public official members.

(c) Balancing of interests

- (i) In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee -
- (ii) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and
- (iii) may reject the appointment of any one or more individuals in order to ensure that there is not dominance by any single interest.

(iv) Dominance defined

In this subparagraph, the term "dominance" means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

(d) Additional qualifications

- (i) no individual appointed under subparagraph (D) (ii) shall have, and three of the individuals appointed under subparagraph (D) (iii) shall not have -
- (ii) a significant financial interest in any segment of the manufactured housing industry; or
- (iii) a significant relationship to any person engaged in the manufactured housing industry.
- (iv) each individual described in clause (b)(i)(ii)(iii) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the one-year following, the membership of the individual on the consensus committee.

(5) OTHER BALANCE FACTORS

List any other factors your agency identifies as important in achieving a balanced FAC

1. Representatives from various sizes of manufacturers/associations
2. Representatives of manufactured homeowner associations

(6) CANDIDATE IDENTIFICATION PROCESS

Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:

- (a) describe the process
- (b) identify the agency key staff involved (by position, not name)
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and
- (d) state the membership term limit of FAC members, if applicable

(A) Recruitment activities are carried out by the sponsoring office, U.S. Department of Housing and Urban Development, Office of Manufactured Housing Programs and an Administering Organization (AO), "recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process (42 USC 5402).

(B) Deputy Administrator, Manufactured Housing Specialist, and Structural Engineer

(C) Recruitment activities include a) periodically issuing Federal Register notices inviting applications or nominations; b) maintaining an invitation on the FAC website; c) utilizing FACA member recommendations; soliciting organizations affiliated with the three member categories-- manufacturers/retailers; users; general interest/public officials; and maintaining an ongoing records of contacts and previously submitted applications.

1. A standard application form is used.
2. The AO manages the application records and maintains a log of applications on hand/received. The program office maintains duplicates.
3. The OMHP Management Analyst checks each applicant's name and employer name against U.S. Senate and U.S. House lobbyist registration databases. Individual registrants or individuals employed by organizational registrants are rejected.
4. The AO provides recommendations on appointments to the Secretary (42 USC 5403(a)(3)(B)(i).
5. The Office of Manufactured Housing Programs consults with the AO and uses various tools such as lists and spreadsheets to ensure that the qualifying factors mandated in MHCSS are accounted for and that appointees selected reflect the requirements applicable to the statute.
6. Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), 42 USC 5403(a)(3)(D).
7. FACA balance requirements are addressed
8. A recommendation is prepared and sent forward to the Secretary for final selection.

(D) Members serve a term of three years with one reappointment permitted, all at the pleasure of the Secretary.

1. Members were initially appointed in staggered terms to ensure a subsequent rollover of a balance of the three member categories.

(7) SUBCOMMITTEE BALANCE

Subcommittees subject to FACA should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

**This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

1. Subcommittee appointments are made so as to ensure that the subcommittee membership reflects the balance of the parent FAC and, in particular, the statutorily mandated membership categories of manufacturers; users; and general interest/public officials.

(8) OTHER

Provide any additional information that supports the balance of the FAC.

1. Member appointments are deemed to be held by the individual and not by the individual's affiliate e.g., employer, trade association, or governmental unit, except in the case of appointments to the User category in which case the Act specifically provides: "Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes." 42 USC 5403(a)(3)(D)(ii).

(9) DATE PREPARED/UPDATED

Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated

September 2012